

Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 352*

House Bill No. 352

by deleting Section 47-18-5606 and substituting instead the following:

47-18-5606.

Nothing in this part:

- (1) Limits or otherwise affects the authority of the Tennessee Supreme Court to regulate the practice of law, enforce the Rules of Professional Conduct, or discipline persons admitted to the bar; or
- (2) Creates or implies liability on behalf of a broadcaster who holds a license for over-the-air terrestrial broadcasting from the federal communications commission, or against a cable operator as defined in 47 U.S.C. § 522(5).



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Comm. Amdt. _____

AMEND Senate Bill No. 431*

House Bill No. 1021

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 51, is amended by adding the following new part:

7-51-2001.

As used in this part, unless the context requires otherwise:

(1) "Auxiliary container" means a bag, cup, bottle, can, device, eating or drinking utensil or tool, or other packaging, whether reusable or single use, which is:

(A) Made of cloth, paper, plastic, including foamed or expanded plastic, cardboard, corrugated material, aluminum, glass, post-consumer recycled material, or similar material or substrates, including coated, laminated, or multilayer substrates; and

(B) Designed for transporting, consuming, or protecting merchandise, food, or a beverage to or from, or at, a food service, manufacturing, distribution or processing facility, or retail facility; and

(2) "Local government" means a county, municipality, or county with a metropolitan form of government.

7-51-2002.

(a) A local government shall not adopt or enforce a resolution, ordinance, policy, or regulation that:

(1) Regulates the use, disposition, or sale of an auxiliary container;



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(2) Prohibits or restricts an auxiliary container; or

(3) Enacts a fee, charge, or tax on an auxiliary container.

(b) Subsection (a) must not be construed to restrict:

(1) A curbside recycling program;

(2) A designated residential or commercial recycling location;

(3) A commercial recycling program; or

(4) The use of an auxiliary container on property owned by a local government.

SECTION 2. Tennessee Code Annotated, Title 53, Chapter 8, Part 2, is amended by adding the following new section:

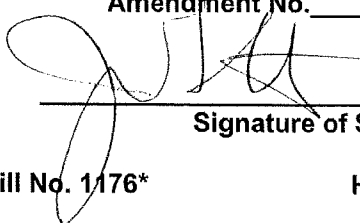
Notwithstanding any law to the contrary, this state is the exclusive regulator of food and drink sellers and vendors, food establishments, and food service establishments in this state, and a local government, as that term is defined in § 7-51-2001, shall not impose a tax, fee, or otherwise regulate the wholesale or retail sale, manufacture, or distribution of any food or drink, food or drink content, amount of food or drink content, or food or drink ingredients, except as authorized under title 67, chapter 6, or pursuant to a contract with the department of agriculture. This section applies to both the sale and distribution of food or drink by food and drink sellers, food establishments, food service establishments, and vending machines.

SECTION 3. Tennessee Code Annotated, Section 68-14-702, is amended by designating the existing language as subsection (a) and by adding the following new subsection:

(b) It is the further purpose of this part that the imposition of a tax or fee on or the regulation of any food or drink or content, amount of content, ingredients, wholesale and/or retail sales, or tax of food or drink or the manufacture, distribution, and/or wholesale or retail sale of food or drink be governed exclusively by state government under this chapter. It is the further purpose of this part to preempt specifically a unit of

local government as defined in § 7-51-2001 from enacting or enforcing any additional regulation, fee, or tax on the entities or activities regulated by this chapter, except to the extent that a local department of health may enforce state law and rules pursuant to a contract with the state department of health.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

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AMEND Senate Bill No. 1176*

House Bill No. 1439

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 50, is amended by adding the following new section:

(a) A reseller shall not utilize a tentative ticket policy, unless disclosed to a ticket purchaser at the outset of the transaction, under which the reseller sells tickets that are not:

- (1) Owned by the reseller;
- (2) Under contract or any other agreement to be transferred to the reseller; or
- (3) In the reseller's possession at the time of sale.

(b) Disclosure of a tentative ticket policy must include an approximate delivery date and the number of tickets that are guaranteed to be grouped together, including any designation by the venue of an assigned seating zone, section number, or seat number. If the reseller cannot guarantee specific seats because the tickets are not owned by the reseller, under contract or any other type of agreement to be transferred to the reseller, or in the reseller's possession, then the reseller shall disclose this fact to a ticket purchaser at the outset of the transaction. If the reseller is unsuccessful in securing the tentative tickets, then the reseller shall refund any deposit made by the purchaser of those tickets no later than ten (10) days after the date of the ticketed event.

(c) A violation of this section constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in chapter 18, part 1 of this title.



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(d) For the purpose of application of the Tennessee Consumer Protection Act of 1977, any violation of this section constitutes an unfair or deceptive act or practice affecting the conduct of trade or commerce and is subject to the penalties and remedies as provided by the Tennessee Consumer Protection Act of 1977. Each act in violation of this section constitutes a separate violation.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.